

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 7, 2000
7:30 P.M.**

The Durham City Council held met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Langley.

Also present: City Manager P. Lamont Ewell, Assistant City Attorney Karen Sindelar, Acting City Clerk D. Ann Gray and Administrative Assistant Linda E. Bratcher.

Mayor Tennyson called the meeting to order. The Mayor read a proclamation proclaiming Human Relations Week in the City of Durham.

Fire Chief Cooper presented a trophy to Dwight McLaurin for his heroic actions in preventing a tragedy on December 5, 1999.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk.

Acting City Clerk Gray informed council of valid protest petitions filed against GBA #6 and GBA #8. Also, Acting City Clerk Gray made available to Council information concerning the protest petition filed against GBA #7.

There were no priority items from the City Manager/City Attorney.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. No items were pulled from the Consent Agenda.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the Consent Agenda as printed was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

[CONSENT AGENDA]

1. **Report from the Durham Housing Authority on Community Policing Integrated Activities with the Durham Police Department**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Durham Housing Authority concerning community policing integrated activities with the Durham Police Department was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

2. **Durham Planning Commission Appointment**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to appoint Sandra J. Jackson to the Durham Planning Commission, representing District 3, for a term to expire June 30, 2002 was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

3. **Street Closing - SC99-2, Indian Trail**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution declaring the intent of the City Council to consider permanently closing 1,662.7± linear feet (1.93± acres) of Indian Trail and setting a public hearing on Monday, February 21, 2000 to consider permanently closing 1,662.7± linear feet (1.93± acres) of Indian Trail was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Resolution #8621

4. **Site Plan Approval - Cree Research Building 1 Expansion, Phase III**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve a site plan for Cree Research Building 1 Expansion, Phase III, submitted by Coulter Jewell Thames P.A., consisting of a 123,625 square foot building addition to an existing office, production and warehouse complex on a 29.728 acre site, zoned I-2, located on the northwest corner of the intersection of Chin Page Road and Silicon Drive (Tax Reference 582-1-8C, PIN #0748-04-62-5405) was approved at

8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

5. **Williams Water Treatment Plant Phase IV Electric Bids - A.A.A. Electrical Company**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with A.A.A. Electrical Company, in the amount of \$670,636 for the electrical contract for Williams Water Treatment Plant Phase IV Project; and

To authorize the City Manager to execute any necessary Change Orders encountered during the construction of the Williams Water Treatment Plant Phase IV, provided the total cost of each individual Change Order does not exceed \$50,000 and that the total project cost does not exceed the project budget's contingency of 15% was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

6. **Report/Discussion on the Garrett Road and N.C. 54/751 Intersection**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the administration concerning the Garrett Road and N.C. 54/751 Intersection was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

7. **Report from the Administration Concerning the Jordan Lake Water Supply Allocation Process**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning the Jordan Lake water supply allocation process was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent:

Council Member Langley.

8. Parking Prohibition - Weaver Street

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance to prohibit parking from 9:00 a.m to 9:00 p.m. at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- a. On the east side of Weaver Street, in the area beginning at the north curb line of Cornwallis Road, if extended, and extending for a distance of 530 feet northeastwardly; and
- b. On the west side of Weaver Street, in the area beginning at the north curb line of Cornwallis Road, if extended, and extending for a distance of 948 feet northeastwardly.

Ordinance #11896

9. Stop Signs

a. Stop Sign - Arrowood Drive

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Arrowood Drive at Indian Trail, northwest corner was approved at 8:11 by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11897

b. Stop Sign - Autumn Ridge Subdivision

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes:

None. Absent: Council Member Langley.

- 1) Autumn Ridge Road at Umstead Road, northwest corner;
- 2) Queensland Court at Autumn Ridge Road, northeast corner;
- 3) Smoketree Court at Autumn Ridge Road, northwest corner;
- 4) Yellowwood Lane at Autumn Ridge Road, northwest corner; and
- 5) Turningleaf Lane at Yellowwood Lane, southwest corner.

Ordinance #11898

c. Stop Sign - Eagles Point

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Somerdale Drive at Eagle View Drive, southeast corner;
- 2) Somerdale Drive at Morrell Lane, northwest corner;
- 3) Crichton Lane at Eagle View Drive, southeast corner;
- 4) Crichton Lane at Morrell Lane, northwest and southeast corners; and
- 5) Eagle View Drive at Morrell Lane, southwest corner

Ordinance #11899

d. Stop Sign - Hope Valley Farms - Regency

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Enzo Court at Regency Drive, southeast corner was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11900

e. **Stop Sign - Independence Park**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Patrick Henry Drive at William Penn Plaza, southeast corner;
- 2) Patrick Henry Drive at William Penn Plaza, northwest corner
- 3) Patrick Henry Drive at Carver Street, northwest corner.

Ordinance #11901

f. **Stop Sign - Lakehurst Pointe**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Ainsley Court at Herndon Road, northeast corner was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11902

g. **Stop Sign - Oak Bridge**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Stoney Drive at Oak Grove Parkway, southeast corner;
- 2) Gwendolyn Circle at Stoney Drive, southeast corner; and

- 3) Stoneleigh Court at Gwendolyn Circle, southeast corner.

Ordinance #11903

h. Stop Sign - Operations Drive Office Complex

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Western Park Place at Operations Drive, northeast corner was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11904

i. Stop Sign - Stoneybrook Subdivision of Croasdaile Farm

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Goldenrod Place at Stoneybrook Drive, southwest corner; and
- 2) Winterfield Place at Goldenrod Place, southeast corner.

Ordinance #11905

j. Stop Sign - Treyburn

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Loblolly Drive at Loblolly Drive, northeast corner; and

- 2) Villa Drive at Old Trail Drive, southeast corner.

Ordinance #11906

10. Stop Signs and Yield Signs - Hillandale Commons Subdivision

a. Stop Signs

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Haywood Court at Meeting Street, southeast corner;
- 2) Meeting Street at Indian Trail, northwest corner; and
- 3) Indian Trail at Meeting Street, west intersection, northeast corner.

Ordinance #11907

b. Yield Signs

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of yield signs at the following locations was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

- 1) Indian Trail at Indian Trail, west approach, southwest corner;
- 2) Indian Trail at Indian Trail, east approach, northeast corner; and
- 3) Haywood Court at Indian Trail, northwest corner.

Ordinance #11908

11. Street Acceptance

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek,

Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff.
Noes: None. Absent: Council Member Langley.

Grove Park - Linkside

- 1) Oak Grove Parkway - from the north curbline of NC Hwy 98 north to the end of construction @ STA 16+50 (1,600') and,
- 2) Windsor Glen Drive - from the centerline of Oak Grove Parkway south thru the cul-de-sac (456') and,
- 3) Kindlemood Drive - from the centerline of Oak Grove Parkway east thru the cul-de-sac (811') and,
- 4) Newberry Drive - from the centerline of Kindlemood Drive southward thru the cul-de-sac (931') and,
- 5) Spring Glen Court - from the centerline of Newberry Lane east thru the cul-de-sac (183') and,
- 6) Bermuda Court - from the centerline of Newberry Lane north thru the cul-de-sac (117') and,
- 7) Lynnwood Valley Court - from the centerline of Weslyn Trace Drive south thru the cul-de-sac (142'.)

Ridgewood - Phase I & II

- 1) Cloverdale Drive - from the east curbline of Daniel Road east to the centerline of Gladstone Drive (928') and,
- 2) Duxford Court - from the centerline of Cloverdale Drive north thru the cul-de-sac (225') and,
- 3) Ledgerock Way - from the centerline of Cloverdale Drive north thru the cul-de-sac (418') and,
- 4) Gladstone Drive - from the north curbline of Mineral Springs Road north thru the cul-de-sac (1,851') and,
- 5) Tarrywood Court - from the centerline of Gladstone Drive east thru the cul-de-sac (199') and,
- 6) Tumlin Court - from the centerline of Gladstone Drive eastward thru the cul-de-sac (211') and,
- 7) Bevington Lane - from the centerline of Gladstone Drive east to the end of construction @ STA 2+92.93 (293') and,

- 8) Saddle Creek Lane - from the centerline of Gladstone Drive north to the centerline of Bevington Lane (1,655'.)

Stonehill Estates - Phase V

- 1) Quartz Drive - from the centerline of Sapphire Drive west past Bronholme Lane to the end of PH V construction @ STA 42+95 (2,045') and,
- 2) Topaz Court - from the centerline of Quartz Drive west thru the cul-de-sac (414') and,
- 3) Peridot Place - from the centerline of Quartz Drive east thru the cul-de-sac (398') and

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

1. **Sewer Main - Marywood Drive** from Leah Lane to Rose of Sharon Road and **Rose of Sharon Road** from Marywood Drive to South Property Line of Tax Map 773-1-7 **(Enabling Act Authority)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution ordering sewer main on Marywood Drive from Leah Lane to Rose of Sharon Road and Rose of Sharon Road from Marywood Drive to south property line of Tax Map 773-1-7 under the Enabling Act Authority was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

2. **Water Main - NC Highway 55** from North Property Line of Tax Map 541-2-2 to South Property Line of Tax Map 541-1-2 **(Enabling Act Authority)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution ordering water main on NC Highway 55 from north property line of Tax Map 541-2-2 to south property line of Tax Map 541-1-2 under the Enabling Act Authority was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Langley.

3. Fiscal Year 2000-2001 Budget and Fiscal Year 2001-2002 Resource Allocation Plan

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Diane Wright spoke in support of decent housing in the City of Durham.

Ivan Parra spoke in support of affordable housing.

Lavonia Allison - spoke in support of afterschool programs.

Mr. Gornto spoke against the sidewalk assessment against his property.

Mayor Tennyson asked if there were other persons wishing to speak. The public hearing was closed by the Mayor.

Council Member Larson informed the citizens of the upcoming Coffee with Council Sessions.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the FY 2000-2001 Budget and FY 2001-2002 Resource Allocation Plan was approved at 8:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langely.

4. 2000-2005 Consolidated Plan

As this was time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments on needs in Durham

concerning Community Development Block Grant and HOME Programs for program year 2000-2005 and to receive proposals to address these needs for the 2000-2001 program year was approved at 8:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

5. Voluntary Annexation Petitions

a. Evergreens at Mt. Moriah (FY 2000-09)

As this was the time and place set for the public hearing anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Evergreens at Mt. Moriah, consisting of 67.46 acres, located off Mt. Moriah Road, northwest of U.S. 15-501, at the Durham Orange County Line, and is contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Area Abuts Directly on the Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-31 Et. Seq. (Evergreens at Mt. Moriah)"--effective from and after February 29, 2000 was approved at 8:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11909

b. Ellis Road Development (FY 2000-10)

1) Annexation

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the Annexation of Ellis Road Development, consisting of 70.97 acres located off Ellis Road and So Hi Drive, and is contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Area Abuts Directly on the Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-31 Et. Seq. (Ellis Road Development)"--effective from and after February 29, 2000 was approved at 8:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11910

2) Fire Protection - Contract with Bethesda Volunteer Fire Department

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a half-base contract with Bethesda Volunteer Fire Department, Incorporated to provide supplemental fire protection services to the Ellis Road Development area of the City was approved at 8:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

6. Case: P98-75 (Public Hearing Continued from the January 18, 2000 City Council Meeting)

Applicant: State Properties

Location: 1.6-acre site located on the northeast corner of the intersection of Chapel Hill Boulevard and James Street (Tax Map 91, Block 6, Lots 7, 8, 10)

Request Rezoning from R-3 (Residential 3 District) to NC(D) Neighborhood Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-3 and placing same in and establishing same as NC(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Approval

Note: Valid protest petition filed against this rezoning

The Mayor noted that the applicant is requesting that this rezoning application be withdrawn.

Travis Porter, representing the applicant, informed the council of the request for withdrawal of the rezoning

application.

A motion was made by Mayor Pro Tempore Clement to accept withdrawal of the rezoning application. This motion was seconded by Council Member McKissick.

Dick Hails, of the City/County Planning Department, briefed council on the ordinance regarding withdrawals.

Several Council Members spoke in support of the request for withdrawal.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Wagstaff to receive comments from the residents and council to make a decision this evening on Case P98-75 **FAILED** at 8:47 p.m. by the following vote: Ayes: Council Members Blyth, Edwards and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Larson, McKissick and Stith. Absent: Council Member Langley.

MOTION by Mayor Pro Tempore Clement seconded by Council Member McKissick to approve the request by the applicant for withdrawal of the rezoning application for Case P98-75 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Larson, McKissick and Stith. Noes: Council Members Blyth, Edwards and Wagstaff. Absent: Council Member Langley.

7. Case: P98-35 (**Case deferred from the January 3, 2000 City Council Meeting**)

Applicant: YHG II, LLC

Location: 17.239 acre site located on the southeast corner of the intersection of NC 54 and NC 751, identified as Tax Map 427, Block 2, Parcels 2, 3, 4, 4A, 10, 12, 13, 14, and 17 through 20

Request: Rezoning from R-20 (Residential 20 District), NC (Neighborhood Commercial District) and NC(D) (Neighborhood Commercial District with Development Plan); F/J-B (Falls/Jordan Protected Area) to SC(D) (Shopping Center District with a Development Plan); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, NC and NC(D); F/J-B and placing same in and establishing same as SC(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Denial unless the applicant agrees to modify the development plan to include all changes requested by City Staff.

Note: The protest petition filed against this rezoning case was found invalid.

The applicant requested that this rezoning request be deferred 30 days.

Attorney Ken Spaulding noted the deferral would allow the applicant an opportunity to discuss with various property owners the Garrett Road Extension.

MOTION by Council Member Larson seconded by Council Member Jacobs to defer this rezoning item to the March 6, 2000 City Council Meeting was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

8. Case: P99-19 (**Public Hearing Continued from the January 18, 2000 City Council Meeting**)

Applicant: Audubon Park - MacGregor Development

Location: 25.31 acres within the Audubon Park development, adjacent to the Parkwood and Frenchman's Creek subdivisions (portions of Tax Map 532D-3-4, 5 and 532-1-12)

Request: Rezoning from RD(D) (Rural District with a Development Plan); F/J-B (Falls/Jordan Protected Area) to PDR 2.243 (Planned Density Residential with 2.243 units per acre maximum); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD(D); F/J-B) and placing same in and establishing same as PDR 2.243; F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Approval

Note: Valid Protest Petition filed against this rezoning.

Shelia Stains-Ramp, of the City/County Planning Department, briefed council on this item. She stated the proposal is to rezone the area so that the number of lots being proposed increases from the 18 that were approved in the past. She stated the lot depths does not change [the houses do not get any closer to adjoining properties than they would under the

existing approved plan]. She noted the changes were in lot width and in lot area and is large and larger than required by the adjacent zoning in both Parkwood and Frenchman's Creek. She stated a 50 foot wide buffer is on the plan along the perimeter of the development. Also, Ms. Stain-Ramp briefed the council on a modification to the staff report. She noted several items of concern were reported on the plan; however, the applicant has resolved all of the items except the pedestrian crossing of the creek at Sedwick Road for which a crossing has been designed and a bridge ordered and expected to be in place early Spring. She stated the Triangle Township Small Area Plan supports low density residential development and that is being requested by the applicant. She noted the administration needed to make sure the design of stormwater at the rear of Shamrock is the same as on the previous rezoning plan.

Ms. Stains-Ramp stated the staff recommended support of the request.

Mayor Tennyson opened the public hearing.

Proponents

Mike Whitehead, representing the applicant, spoke in support of the request. Mr. Whitehead stated they met with several neighborhoods and residents to address their concerns. He briefed the council on the bridge over Northeast Creek and stated they have exceeded the minimum standard; offsite improvements; 50 foot undisturbed buffer; tree protection barricade and silk fencing; an overlay easement will be granted to the homeowners' association [Frenchman's Creek Auduborn Park and Parkwood] to locate an unpaved pedestrian trail to connect the open space at the north end to the south end; and agreed to resolve the stormwater runoff at Shamrock.

Rob Reid, President of Parkwood Homeowners Board of Directors, spoke in favor of the rezoning. He noted the applicant had addressed concerns and the applicant has agreed to a 50 foot buffer being included between Parkwood, Audubon Park and Frenchman's Creek.

Opponents

Janet Hessling, a resident of Frenchman's Creek, she stated the applicant has worked very close with the residents of Frenchman's Creek to explain the plans and making concessions. She stated they would rather have the 50 foot undisturbed buffer than a pedestrian path.

Scott Burgess, a resident of Audubon Park, stated the applicant made every effort to accommodate the residents

various concerns. He noted it was up to the City Council to make the effort to protect natural resources. Mr. Burgess briefed the council on schools being overcrowded; stormwater runoff and increased traffic. He asked the council to look at the whole picture for Durham.

David Huss outlined the following agreements reached with the applicant: 50 foot buffer along the boundary and an additional 25 foot buffer with limited clearing and at least a 100 foot setback for the boundary for houses that will be built; tree protection fencing at 75 feet; silk fencing; the individuals homeowners along Shamrock are to be contacted regarding a stream coming through a backyard to stabilize the stream and to replace any drainage pipes if necessary; fill dirt will be replaced; landscaping along the boundary; reduction in houses from 22 to 19; ditch improvements along the back of Shamrock and to be maintained for at least one calendar year and improved as needed. He noted the residents on Shamrock were not happy with the rezoning.

Andrea Brown, a resident of Audubon Park, spoke in opposition to the rezoning. She stated several residents in Audubon opposed the request and ask council to continue this item allowing the residents to discuss the matter. She stated they did not have a formal homeowners association in Audubon Park to gather information.

Rebuttal

As the President of the Parkwood Association, Rob Reid stated they have 1,000 homes that will be impacted by the proposal and with the setbacks; buffer; sidewalks and drainage this is a win win situation.

Mike Whitehead, representing the applicant, stated Andrea Brown did not express any concerns when he spoke with her. He noted there is a homeowners association in Audubon Park. Mr. Whitehead they will continue to work with Ms. Brown and find out what her concerns are and attempt to address them. Mr. Whitehead reminded council that the Planning Board and the staff approved the request and in compliance with the several city plans.

Shelia Stains Ramp, of the City/County Planning Department, stated that the items referenced as agreements between the applicant and residents need to be included on the plan.

Mr. Whitehead presented a map to council and stated one additional modification needed to be made [eliminating one additional lot]. Also, he stated the agreements referenced earlier have been put in writing will be countersigned by representatives of the groups.

Several Council Members voiced concern with environmental implications.

Assistant City Attorney Karen Sindelar noted there were various agreements between the developer and private property owners relative to improvements being made on private property in exchange for the property owners withdrawing their opposition. She noted the City is not in a position to enforce these agreements and the City could not place same on the development plan as enforceable conditions.

In light of the remarks by the City Attorney, Council Member McKissick stated it would be appropriate for the Council to continue the public hearing for one cycle to resolve the details between the parties.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the rezoning request as printed on the agenda.

A substitute motion was made by Council Member McKissick to continue the public hearing until the February 21, 2000 City Council Meeting without further advertising to allow the applicant and residents to work out the details of the agreements. This motion was seconded by Council Member Cheek.

Discussion was on the floodplain, development along the creek, the water quality, increased runoff, and the 50 foot buffer.

Council Member Blyth noted the environmental implications are very significant and she would not be supporting this proposal nor the deferral. Also, Council Member Blyth expressed concern relative to the developer making agreements with the neighborhood and not including them on the development.

Council Member Burnette expressed concern with the environmental implications.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Cheek to continue the public hearing on Case P99-19 until the February 21, 2000 City Council Meeting without further advertising was approved at 9:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Larson, McKissick and Stith. Noes: Council Members Blyth, Burnette, Edwards and Wagstaff. Absent: Council Member Langley.

9. Case: P99-68 **(Public Hearing Continued from the January 18, 2000 City Council Meeting)**

Initiated By: City of Durham (Annexation Zoning)

Location: 70.97 acre site located east and north of Ellis Road between Ellis Road and NC 147 (Tax Map 641, Block 2, Lots 3B, 3C, 4, 5, 6, 6A, 7 and 53A)

Request: R-20 (Residential 20 District) and RD (Rural District)--Initial zoning of property newly annexed into the City

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish R-20 and RD City zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish R-20 and RD City zoning for the above described property newly annexed into the City was approved at 9:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

10. Case: P99-30 **(Public Hearing Continued from the January 18, 2000 City Council Meeting)**

Applicant: Wood Partners

Location: 70.97 acres on the east side of Ellis Road, west of the Ellis Road/NC 147 Interchange, identified as Tax Map 641, Block 2, Lots 3B, 3C, 4, 5, 6, 6A, 7 and 53A

Request: Rezoning from RD (Rural District) and R-20 (Residential 20 District) to RM-16(D) (Multifamily Residential District, maximum of 16 dwelling units per acre with a Development Plan) and OI-2(D) (General Office and Institutional District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and R-20 and placing same in and establishing same as RM-16(D) and OI-2(D)

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, briefed council on the staff report and noted they recommended approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Jack Markham, representing the applicant, spoke in support of the request. He noted the proposal was for up 350,000 square feet of office and up to 370 multi-family units. Attorney Markham also noted they are working with Emanuel Freewill Baptist Church to address their concerns and requests [additional access point through the site, and the possibility of the church connecting to the sewer system located on the developer's site, and providing landscape screening between the carwash and the church].

Stanley Hoffman spoke in support of the request.

There were no opponents to this request. Mayor Tennyson declared the public hearing closed.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the rezoning request.

Council Member McKissick expressed concern that there were no recreational uses on the site plan for the children.

It was noted by a representative of the applicant that there probably would be a variety of amenities for the residents; however, they had not yet identified the amenities.

Council Member McKissick asked the developer if a note could be added on the plan addressing this issue [tot lot for children].

Debbie Anderson, representing Woods Partners, stated they would need to look at the plan to make certain where a tot lot could be located. She noted the management company would help make decisions about recreational uses once they know the type of people who will be residing in the residences. She noted there is a growing retiree population as well and they try to meet the needs of the residents once they are there.

Council Member McKissick stated he would not be supporting this request. He noted it would be appropriate to have a note

indicating recreational facilities for the children.

Council Member Blyth asked the developer if they would be willing to place a note on the development plan and attach a list of the possible recreational uses.

Debbie Anderson replied yes.

The Mayor noted the applicant has agreed to an illustrative note on the development plan indicating potential recreational uses.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and R-20 and placing same in and establishing same as RM-16(D) and OI-2(D) with an illustrative note on the development plan indicating potential recreational uses was approved at 10:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Stith and Wagstaff. Noes: Council Member McKissick. Absent: Council Member Langley.

11. Case: P99-15 (**Public Hearing Continued from the January 18, 2000 City Council Meeting**)

Applicant: RDSK, LLC

Location: 20.84-acre site located on the west side of South Miami Boulevard at the Lumley Road intersection (Tax Map 645, Block 1, Lots 7, 8, 9, 10, 11, 12)

Request: Rezoning from R-20 (Residential 20 District) and NC (Neighborhood Commercial District) to I-2(D) (Light Industrial District with a Development Plan) and I-2 (Light Industrial District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and NC and placing same in and establishing same as I-2(D) and I-2.

Zoning Committee's Recommendation and Vote: July 13, 1999, Approval (5-2); September 14, 1999, Approval (6-1)

City/County Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, briefed council on the staff report. She noted the development plan excluded certain uses on one parcel which has a development plan that would otherwise be allowed. She noted the staff recommended approval and the Zoning Committee recommended approval both with and without a development plan.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Ron Horvath, representing the applicant spoke in support of the request. He noted at a meeting in 1999 several questions were raised by Council Members regarding more information being provided on the development plan. He noted that this information has been provided. Mr. Horvath also noted the applicant had no problem excluding types of activities [textile, manufacturing, metal industries]. He reminded the Council that the land to the north is zoned I-1, to the west is zoned I-2 and they have filed a development plan for _____ which would come before the Council next month.

Mayor Tennyson noted the area that is being considered for rezoning is only the portion indicated in the plan and therefore all previous objections about not having a development plan have been removed.

Ron Horvath replied yes.

Shelia Stains-Ramp noted if that is what the applicant is agreeing to do that is fine with the staff [Tax Map 645, Block 1, Lot 8,].

The Mayor noted the Council is being asked to vote on an area less than what has been advertised.

There were no persons present to speak in opposition. The Mayor closed the public hearing.

A motion was made by Council Member McKissick to approve the rezoning request as revised and submitted [Tax Map 645, Block 1, Lot 8]. This motion was seconded by Mayor Pro Tempore Clement.

It was noted that the applicant requested that Lots 7, 9, 10, 11 and 12 be deleted from the rezoning request. Therefore, the acreage being requested to be rezoned is 7.934. Also, the developer agreed to exclude nightclubs.

On the remaining acreage not being rezoned, Council Member Hill asked the developer to provide a development plan when the request comes before the Council.

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property [as amended deleting Lots 7, 9, 10, 11 and 12]

out of R-20 and NC and placing same in and establishing same as I 2(D) and I-2 was approved at at 10:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

12. Case: P99-22 **(Public Hearing Continued from the January 18, 2000 City Council Meeting)**

Applicant: Borden & Bocook

Location: 13.41-acre site located on N.C. 54 adjacent to the I-40 overpass east of Fayetteville Road, identified as Tax Map 524, Block 2, Lot 8

Request: Rezoning from R-20 (Residential 20) to OI-2(D) (General Office and Institutional with a Development Plan); F/J-B (Fall/Jordan Protected Area) and MTC (Major Transportation Corridor District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B and MTC and placing and in and establishing same as OI-2(D); F/J-B and MTC.

Zoning Committee's Recommendation and Vote: Approval (6-0-1 [with Commissioner Harrell abstaining])

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, noted the proposal is to construct three buildings for office and hotel use near the northeast corner of Highway 54 and Fayetteville Road. He noted the project conforms with adopted plans for the area. He noted staff recommended approval with a number of traffic improvements along Highway 54. Mr. Hails noted there was opposition expressed at the Zoning Committee from residents of Crooked Creek due to concerns of cut-thru traffic and other issues. He noted one option the Council may want to consider is refer further investigations related to cut-thru traffic to the administration outside a decision on the rezoning.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Kenon Borden, representing the applicant, spoke in support of the request. Mr. Borden noted in response to concerns by neighbors, they have reduced the density in the _____ buildings and in response to traffic concerns they are proposing extensive offsite roadway improvements along Highway 54. He noted in addition to

the improvements they have incorporated traffic mitigation features which can reduce peak trip generated by up to 20 percent. Mr. Borden stated they also plan to incorporate a restaurant, a fitness center and other support services on site to further reduce vehicle trips generated. He noted they plan to landscape and incorporate sidewalks, walking trails to encourage local pedestrian traffic from the adjacent neighborhoods. Also, he noted they have incorporated a bus stop on the plan.

An individual addressed council noting that the applicant has worked extensively with the Crooked Creek Homeowners trying to address their concerns regarding the parking structure on the backside of the facility and the height of the buildings. He noted the density has been reduced by one-third and the parking garage has been located under the building and they have removed a 7,000 square foot office building.

Janet Pashales, a resident of Medford Road, spoke in support of the rezoning. She stated it was a very good plan.

Robert Baxter, a resident of Creeks Edge Court, spoke in support of the rezoning. He noted the applicant has met with the neighborhood on several occasions and has made changes as noted this evening to alleviate concerns. Along with the approval of the request, he hoped there would be something mentioned in the development plan that will require some sort of mitigation of the traffic that will travel that will come out of the back of the development and travel down to Crooked Creek Parkway.

Opponents

Steven Bocckino, a resident of Abron Drive, asked Council to insure that the road improvements the developer's makes on Highway 54 are made either before or after the I-40 widening not during it; make the certificate of occupancy dependent on the improvements; do not allow a left-turn onto Highway 54 from the site; and make sure the developer installs acceptable traffic calming devices. Mr. Bocckino asked Council to place these requests on the development plan.

Rebuttal

An individual, representing the applicant, noted there were traffic calming techniques that could be utilized to mitigate the concerns raised by neighbors. He noted they would like to meet with the neighbors before implementing traffic calming devices to obtain their suggestions. He noted they would work with the residents and the city on this matter. Also, he made comments on the left-turn lane onto Highway 55.

Mayor Tennyson declared the public hearing closed.

Council Member Blyth asked staff if the entire development was only 44% impervious surface.

Dick Hails, of the City/County Planning Department, noted the western portion of the site has a fair amount of open space called for in the development plan including the lake area shown in the drawings. He noted even though the buildings and the parking deck are fairly intensive there are some open space portions.

Earl Lewellyn, of the Transportation Division, noted the restrictions of left turns onto Highway 54 would present more of a problem than it would solve. He noted it would force all the traffic to the 54 - Fayetteville Road intersection. He noted the staff reviewed the sight distance at the driveway intersection onto 54 and there is adequate sight distance which is acceptable. Also, Mr. Lewellyn spoke on the traffic calming devices noting there is probably a number of different/combinations of things that would work. He noted the reason they did not make a recommendation on traffic calming devices they wanted to obtain input from the neighbors.

Council Member Blyth asked if the developer has agreed to fund a certain amount for traffic mitigation efforts for Crooked Creek.

A representative of the applicant noted they have already placed - quite a bit - additional monies in their traffic mitigation. He noted they would have a TDM person on the site.

Council Member McKissick requested that a note be added to the plan regarding a hard surface trail.

The Mayor suggested the term "all weather surface trail."

The applicant agreed to adding a note indicating all weather surface trail.

Council Member McKissick asked the applicant if he would agree to adding a note to the plan stating he would be willing to work with the neighborhood to come up with traffic calming measures for Crooked Creek.

The applicant replied yes.

Council Member McKissick requested that the note regarding the applicant working with the neighborhood on traffic calming measures for Crooked Creek be duly noted on the plan.

MOTION by Council Member Larson seconded by Council Member Burnette to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B and MTC and placing and in

and establishing same as OI-2(D); F/J-B and MTC [including notes on the development plan concerning all weather surface trail and the applicant's willingness to work with the residents of Crooked Creek relative to traffic calming measures]; and

To refer the matter of traffic mitigation regarding Crooked Creek to the administration was approved at 11:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langely.

13. **Case: P99-84**

Applicant: Goodwill Industries, Inc.

Location: 930 East Main Street (Tax Map 133-1-1)

Request: Rezoning from I-2 (Light Industrial District) to GC(D) (General Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and placing same in and establishing same as GC(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City/County Planning Department's Recommendation: Approval
(Resource Persons: Norman Standerfer and Dick Hails--Ext. 4137) (Attachment #25 - 10 pages)

Dick Hails, of the City/County Planning Department, noted the proposal is to renovate a portion of the existing Goodwill building for retail and market use for the Edgemont/Northeast Central Durham neighborhood. He noted the request conforms with several adopted plans. He noted staff recommended approval of the request and the Zoning Committee under a courtesy voted to support the request as well.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Constance Stancil, representing Hayti Development Corporation, spoke in support of the rezoning. She noted rezoning of this property will allow Hayti Development Corporation to move forward with redevelopment along the East Main Street corridor and to establish a community food market at the location. She noted the market will create jobs and serve as an anchor for other developments planned for the area.

Frank Gonzalez, representing Fiesta IGA, spoke in support of the rezoning. He noted he would be the operator of the supermarket. Mr.

Gonzalez briefed council on the history of the supermarket noting they opened up their first store in 1991.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the rezoning request.

Council Member Blyth thanked Hayti Development Corporation for all the work they have done.

Council Member Wagstaff noted she wanted to defer this request until the February 21, 2000 City Council Meeting. She stated she wanted to discuss issues with she had with Hayti Development Corporation and review the plans for the grocery store. She noted there would be duplication in the area due to the fact that a grocery store currently exists in the area. She also raised concern of the lack of communication with the residents in the area.

A substitute motion was made by Council Member Wagstaff to defer action on this item until the February 21, 2000 City Council Meeting. This motion was seconded by Council Member Edwards.

Several Council Members stated they were pleased that someone was investing in the area.

Constance Stancil, representing Hayti Development Corporation, noted that she informed the community [PAC] about this project and several meetings in the Edgemont Community.

SUBSTITUTE MOTION by Council Member Wagstaff seconded by Council Member Edwards to defer action on this rezoning request until the February 21, 2000 City Council Meeting without further advertising **FAILED** at 11:14 p.m. by the following vote: Ayes: Council Member Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick and Stith. Absent: Council Member Langley.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and placing same in and establishing same as GC(D) was approved at 11:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick and Stith. Noes: Council Member Wagstaff. Absent: Council Member Langley.

14. **Proposed Zoning Ordinance Amendments**

As this was the time and place set for the public hearing, anyone was given the opportunity to be heard.

Attorney Jack Markham spoke in support of this item. He requested the text amendments be adopted.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

Council Member Blyth asked the City Manager to review the city's garbage pick-up regulation to make certain it does not become a problem.

- a. Revisions to Section 4A.8 (Multi-Family Residential) Regarding Accessory Dwellings and Building Frontages

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed amendment; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Additional Standards for Accessory Dwellings and Continuous Townhouse Setbacks within the Multi-Family Residential [RM] District"--(TC90-99) was approved at 11:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11911

- b. Revisions to Section 8 (Performance Standards) Regarding Buffers on Interstate 540

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed amendment; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for the Development of Property Along Interstate 540"--(TC91-99) was approved at 11:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11912

- c. Revisions to Section 4C.1 (Office and Institutional-1) Regarding Personal Service Establishments as a Permitted Use in Certain Circumstances

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed amendment; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Modify Allowed Uses in the Office & Institutional 1 [O&I-1] Zoning District"--(TC92-99) was approved at 11:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11913

Joint City/County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

Note: At this time in the meeting, Council took action on GBA #21.

21. Job Creation Incentive Policy for City of Durham Community Development Areas

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Establishing a Job Creation Incentive Policy for City of Durham Community Development Areas" was approved at 11:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Resolution #8622

15. Allocation of Funds Under the Job Creation Incentive Policy for City of Durham Community Development Areas - Per-Se Technologies, Inc.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Motion by Council Member Blyth seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning Allocation of funds to Per-Se Technologies, Inc.; and

To receive citizens' comments concerning the allocation of funds

under the Job Creation Incentive Police for City of Durham Community Development Areas to Per-Se Technologies, Inc; and

To authorize the City Manager to execute the proposed Agreement with Per-Se Technologies, Inc. allocating up to \$185,000 in funds under the Job Creation Incentive Policy for the creation of at least 125 new jobs, within a designated Community Development Area at 300 West Morgan Street; and

To authorize the City Manager to make changes to the Agreement before executing it provided the changes do not increase the total dollar amount to be paid by the City or substantially change the performance standards was approved at 11:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Member Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

[OTHER MATTERS]

16. Appeal of the Decision by the Passenger Vehicle for Hire Commission Concerning Revocation of Taxicab Driver's Permit

To hear an appeal by Stephen Dixon regarding the decision by the Passenger Vehicle for Hire Commission to revoke his Taxicab Driver's Permit (Vote 3-0).

To conduct the appeal under Chapter 22, Section 22-79 (a) (2) of the Durham City Code.

Mark Ahrendsen briefed council on this item.

Stephen Dixon addressed the council asking that his permit not be Revoked.

David Mohammad spoke in support of Mr. Dixon retaining his permit.

Discussion was held by Council on the statements made by Mr. Dixon noted him on his application.

MOTION by Council Member McKissick seconded by Council Member Blyth to allow Stephen Dixon to retain his taxicab driver's permit with 90 days probation was approved at 11:50 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth Burnette, Cheek, Edwards, Jacobs, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Hill and Larson. Absent: Council Member Langley.

Note: Items 17 - 22 were placed on the General Business Agenda

due to cancellation of the January 27, 2000 Finance Committee Meeting.

17. Governor's Highway Safety Program (GHSP) Law Enforcement Traffic Safety Equipment Project

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the grant award in the amount of \$8,000 from the Governor's Highway Safety Program; and

To adopt "The City of Durham and the U.S. Department of Justice, Bureau of Justice Assistance 'Governor's Highway Safety Program Law Enforcement Traffic Safety Equipment' Project Ordinance FY 1999-2000" was approved at 11:50 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11914

18. Final Approval - Rebuild Durham, Inc. HOME Project

To authorize the City Manager to execute a CHDO Loan Agreement with Rebuild Durham, Inc. in an amount not to exceed \$460,000 and a CHDO Grant Agreement with Rebuild Durham, Inc. in an amount not to exceed \$47,700, both Agreements funded from FY 99-00 HOME funds, to provide partial funding for the acquisition/rehabilitation and permanent financing of 12 rental housing units for families with average family incomes at or below 60% median income.

To authorize the City Manager to make minor changes to the Agreements as are consistent with City's affordable housing policies and the HOME regulations as published by the Department of Housing and Urban Development.

To determine and find that funding for this rental housing project is not otherwise available, wholly or in part, from other public or private lenders upon equivalent or reasonably equivalent terms and conditions.

Note: At the February 3, 2000 Committee-of-the-Whole Meeting, Council referred this item [Rebuild Durham, Inc.] to the administration

19. Right of Entry Agreement between the City of Durham and the Coordinating Council for Senior Citizens to Enter Upon the

Former Star Warehouse Property

MOTION by Council Member Larson seconded by Council Member Clement to authorize the City Manager to execute the Right of Entry Agreement with the Coordinating Council for Senior Citizens to enter upon the former Star Warehouse property (Tax Map 61 Block 6 Lots 2, 22, and 23); and

To authorize the City Manager to extend the Agreement for a three month period if further test results or evaluations are necessary, provided the intent and substance of the original Agreement are not modified was approved at 11:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

20. Proposed Land Lease Agreement between the City of Durham and AT&T PCS, Inc. by and through Its Agent, AT&T Wireless Services, Inc.

Henry Campem, representing AT&T spoke in support of this item.

Dan McKeel, a resident of Hamstead Court, spoke in opposition to this item and asked council to hire a consultant.

MOTION by Council Member Larson seconded by Council Member Stith to receive a report from the Administration regarding the proposed AT&T Cell Tower Lease at the former New Hope Treatment Plant and the proposed Sandy Creek Environmental Center; and

To affirm City Council's action of July 19, 1999 authorizing the City Manager to execute a Lease Agreement between the City of Durham and AT&T PCS, Inc., by and through its agent, AT&T Wireless Services, Inc.; and

To authorize the City Manager to execute a Lease Amendment between the City of Durham and AT&T PCS, Inc., by and through its agent, AT&T Wireless Services, Inc., increasing the co-location fee up to 20% was approved at 12:06 a.m. by the following vote: Ayes: Mayor Tennyson and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Member Blyth. Absent: Council Member Langley.

22. 2000 Legislative Program - Short Session

MOTION by Council Member Larson seconded by Council Member Wagstaff to receive a report from the City Attorney on the 2000

Legislative Program - Short Session; and

To approve the proposed Calendar and Areas of Responsibility for the City's 2000 Legislative Program - Short Session was approved at 12:06 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

23. 1999-2000 Beer and Wine Licenses

To accept a report on Beer and Wine Licenses from the Durham Police Department.

To approve the issuance of Beer and Wine Licenses to the establishments listed below.

A motion was made by Council Member Larson seconded by Council Member Jacobs to approve the item as printed on the agenda.

Council Member Stith requested that Vivian's Discount Furniture be severed from the motion.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the issuance of Beer and Wine Licenses to Vivian's Discount Furniture & Grocery **FAILED** at 12:09 a.m. by the following vote: Ayes: Council Members Burnette and Cheek. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Langley.

Mayor Pro Tempore Clement asked the Police Department to make a report at the Public Works Committee making recommendations on how to address issues concerning Beer and Wine in certain areas of the City.

MOTION by Council Member Larson seconded by Council Member Jacobs to accept a report on Beer and Wine Licenses from the Durham Police Department; and

To approve the issuance of Beer and Wine Licenses to the establishments listed below was approved at 12:09 a.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Member Edwards. Absent: Council Member Langley.

Bennett Pointe Grill
4625 Hillsborough Road

Damon's Restaurant & Clubhouse
3019 Auto Drive

Jonathan Lark
Beer & Wine on premises
(renew)

Durham Pizza Restaurant
4707 Hillsborough Road
Imer Ramadanovic
Beer & Wine on/off premises
(renew)

Italian Pizzeria Restaurant
3823 Guess Road
Salvatore DiScioarro
Beer & Wine on premises
(renew)

Pizza Inn
3648 Chapel Hill Blvd
Chan Ho
Beer on premises
(renew)

Sage & Swift Gourmet Catering
3401 university Drive
Amy Tornquist
Beer & Wine off premises
(renew)

Shanghai Restaurant
3433 Hillsborough Road
Ting Fat Wong
Beer & Wine on premises
(renew)

Ten Ten Restaurant
4201 N. Roxboro Road
Woei Bin Fan
Beer & Wine on premises
(renew)

Buy Quick Food Mart
103 W. Cornwallis Road
Khalid Saleh
Beer & Wine off premises
(renew)

Community Store
106 S. Guthrie
Irene Fowler
Beer & Wine off premises
(renew)

Mary N. Conley
Beer & Wine on premises
(renew)

Fuji Japanese Restaurant
4900 HWY 55 Suite 200
Su Kyun Sin
Beer & Wine on premises
(renew)

Park Diner
5410 HWY 55 East
Donald M. Mazzia
Beer & Wine on/off premises
(renew)

Poseidon Seafood Restaurant
811 Broad Street
Panayiotis Velissariou
Beer & Wine on premises
(new)

Savory Fare Inc.
908 W. Main Street
Gary Wein
Beer & Wine on premises
(renew)

Shor Szechuan
2105 HWY 54
Kwai-Tong Hon
Beer & Wine on premises
(renew)

Buy Quick Food Mart
419 S. Briggs Avenue
Shawqi Jaber
Beer & Wine off premises
(renew)

Capi's Deli Inc.
106 NC HWY 54
Anthony Capozzoli
Beer & Wine off premises
(renew)

Corner Quick Mart
2929 Angier Avenue
Ahmad K. Husseni
Beer & Wine premises
(renew)

Hills Market #2
201 E. Greer Street
Willie Hill
Beer & Wine off premises
(renew)

Holloway Street Food Mart
1026 Holloway Street
Peter Kagwawja
Beer & Wine off premises
(renew)

Johnny's Foodland
4701 Hillsborough Road
John F. Gibson
Beer & Wine off premises
(renew)

Vivian's Discount Furniture
727 N. Mangum Street
Vivian Johnson
Beer & Wine off premises
(renew)

Bethesda BP
1529 S. Miami Blvd.
M.L. Barnes
Beer & Wine off premises
(renew)

North Durham Citgo
4535 Roxboro Road
Jim Okeke
Beer & Wine off premises
(new)

Eno BP
5292 N. Roxboro Road
M. L. Barnes
Beer & Wine off premises
(renew)

Exxon Food Shop #13
N. Roxboro Road
William Carden
Beer & Wine off premises
(renew)

Exxon Food Shop #23
Latta Road
Chien Chang
Beer & Wine off premises

Hills Open Air Market
712 S. Alston Avenue
Willie Hill
Beer & Wine off premises
(renew)

Homestead 66
109 West HWY 54
Sidney Bush
Beer & Wine off premises
(renew)

S & A Food Mart
5274 N. Roxboro Road
Effat Hussain
Beer & Wine off premises
(renew)

BP Convenience Center
2211 N. Roxboro Road
Altaf Hussain
Beer Wine off premises
(renew)

Boulevard BP
2685 Chapel Hill Road
Dan Ireland
Beer & Wine off premises
(renew)

Croasdaile BP
1815 Hillandale Road
M.L. Barnes
Beer & Wine off premises
(renew)

Caroco
702 N. Alston Avenue
Altaf Hussain
Beer & Wine off premises
(renew)

Hope Valley BP
4148 Old Chapel Hill Road
M.L. Barnes
Beer & Wine off premises
(renew)

Exxon Shop #16
Apex Hwy
Nancy Drake
Beer & Wine off premises

(renew)

Speedway Starvin Marvin #101
4225 Chapel Hill Boulevard
Paula Twigg
Beer & Wine off premises
(renew)

Texaco Food Mart #21
Hillsborough Road
Thomas Dean
Beer & Wine premise
(renew)

Tops Texaco Mart #8
W. Main Street
Terry Currin
Beer & Wine off premises
(renew)

Tri-Star Amoco Food Shop
2900 Chapel Hill Blvd.
Iftikhar Abbasi
Beer & Wine off premises
(renew)

Food Lion #420
3808 Guess Road
Don Baker
Beer & Wine off premises
(renew)

Food Lion #885
1908 Meredith Drive
Fred Jones
Beer & Wine off premises
(renew)

Brookwood-Inn
2306 Elba Street
Stephen Cross
Beer & Wine on premises
(renew)

Doubletree Guest Suite
2515 Meridian Parkway
Stuart Doring
Beer & Wine on/off premises
(renew)

Kerr Drug

(renew)

Tops Texaco Mart #7
921 Miami Blvd.
Gregory Hatcher
Beer & Wine off premises
(renew)

Tops Texaco Mart #6
2110 Roxboro Road
Deborah Utley
Beer & Wine off premises
(renew)

Tops Texaco Mart #14
6007 Farrington Road
Charles Barbour
Beer & Wine off premises
(renew)

Food Lion #150
4215 University Drive
Ray Holst
Beer & Wine off premises
(renew)

Food Lion #747
3500 North Roxboro Road
Shannon West
Beer & Wine off premises
(renew)

Food Lion #939
4621 Hillsborough Road
William Scales
Beer & Wine premises
(renew)

Comfort Suites Hotel
5219 Page Road
Ramesh Patel
Beer & Wine premises
(renew)

Hawthorn Suites
300 Meredith Drive
Modi Madhusudan
Beer & Wine on/off premises
(renew)

Extrusions, Inc

3616 Hillsborough Road
John Deloatch
Beer & Wine off premises
(renew)

261 NC 54 West
Bernard Spangler
Wine on premises
(renew)

The Esquire Lounge
704 Rigsbee Avenue
Cornelius Hines
Beer & Wine on/off premises
(renew)

Hope Valley Country Club
3803 Dover Road
William Berutti
Beer & Wine on premises
(renew)

James Joyce Irish Pub
912 W. Main Street
Niall Hanley
Beer & Wine on premises
(renew)

University Club
3100 Tower Blvd.
Nick Piornack
Beer & Wine on premises
(renew)

Ye Old tavern
5504 Chapel Hill Blvd.
Raymond Williams
Beer & Wine on premises
(renew)

[SUPPLEMENTAL ITEM]

1. Update on January 2000 Winter Storms/Federal Emergency Management Agency Grant Project Ordinance

MOTION by Council Member Larson seconded by Council Member Jacobs to receive an update on January 2000 winter storms; and

To adopt the "Federal Emergency Management Agency Grant Project Ordinance Operation January 2000 Winter Storm" was approved at 12:10 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Langley.

Ordinance #11915

There being no further business to come before the Council, the meeting was adjourned at 12:10 a.m.

D. Ann Gray, CMC
Acting City Clerk

